



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**SB2266**

Introduced 1/15/2004, by Bill Brady

**SYNOPSIS AS INTRODUCED:**

20 ILCS 5/5-15	was 20 ILCS 5/3
20 ILCS 5/5-20	was 20 ILCS 5/4
20 ILCS 5/5-338 new	
105 ILCS 5/1A-0.01 new	
105 ILCS 5/1A-4	from Ch. 122, par. 1A-4
105 ILCS 5/1A-1 rep.	
105 ILCS 5/1A-2 rep.	
105 ILCS 5/1A-2.1 rep.	

Amends the Civil Administrative Code of Illinois and the School Code. Creates the Department of Education, with a Secretary of Education as its head, to replace the State Board of Education and State Superintendent of Education.

LRB093 18531 NHT 44251 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Civil Administrative Code of Illinois is  
5 amended by changing Sections 5-15 and 5-20 and adding Section  
6 5-338 as follows:

7 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

8 Sec. 5-15. Departments of State government. The  
9 Departments of State government are created as follows:

10 The Department on Aging.

11 The Department of Agriculture.

12 The Department of Central Management Services.

13 The Department of Children and Family Services.

14 The Department of Commerce and Economic Opportunity.

15 The Department of Corrections.

16 The Department of Education.

17 The Department of Employment Security.

18 The Department of Financial Institutions.

19 The Department of Human Rights.

20 The Department of Human Services.

21 The Department of Insurance.

22 The Department of Labor.

23 The Department of the Lottery.

24 The Department of Natural Resources.

25 The Department of Nuclear Safety.

26 The Department of Professional Regulation.

27 The Department of Public Aid.

28 The Department of Public Health.

29 The Department of Revenue.

30 The Department of State Police.

31 The Department of Transportation.

32 The Department of Veterans' Affairs.

1 (Source: P.A. 93-25, eff. 6-20-03.)

2 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

3 Sec. 5-20. Heads of departments. Each department shall have  
4 an officer as its head who shall be known as director or  
5 secretary and who shall, subject to the provisions of the Civil  
6 Administrative Code of Illinois, execute the powers and  
7 discharge the duties vested by law in his or her respective  
8 department.

9 The following officers are hereby created:

10 Director of Aging, for the Department on Aging.

11 Director of Agriculture, for the Department of  
12 Agriculture.

13 Director of Central Management Services, for the  
14 Department of Central Management Services.

15 Director of Children and Family Services, for the  
16 Department of Children and Family Services.

17 Director of Commerce and Economic Opportunity, for the  
18 Department of Commerce and Economic Opportunity.

19 Director of Corrections, for the Department of  
20 Corrections.

21 Secretary of Education, for the Department of Education.

22 Director of Employment Security, for the Department of  
23 Employment Security.

24 Director of Financial Institutions, for the Department of  
25 Financial Institutions.

26 Director of Human Rights, for the Department of Human  
27 Rights.

28 Secretary of Human Services, for the Department of Human  
29 Services.

30 Director of Insurance, for the Department of Insurance.

31 Director of Labor, for the Department of Labor.

32 Director of the Lottery, for the Department of the Lottery.

33 Director of Natural Resources, for the Department of  
34 Natural Resources.

35 Director of Nuclear Safety, for the Department of Nuclear

1 Safety.

2 Director of Professional Regulation, for the Department of  
3 Professional Regulation.

4 Director of Public Aid, for the Department of Public Aid.

5 Director of Public Health, for the Department of Public  
6 Health.

7 Director of Revenue, for the Department of Revenue.

8 Director of State Police, for the Department of State  
9 Police.

10 Secretary of Transportation, for the Department of  
11 Transportation.

12 Director of Veterans' Affairs, for the Department of  
13 Veterans' Affairs.

14 (Source: P.A. 93-25, eff. 6-20-03.)

15 (20 ILCS 5/5-338 new)

16 Sec. 5-338. In the Department of Education. The Secretary  
17 of Education shall receive an annual salary as set by the  
18 Governor from time to time or as set by the Compensation Review  
19 Board, whichever is greater.

20 Section 10. The School Code is amended by adding Section  
21 1A-0.01 and changing Section 1A-4 as follows:

22 (105 ILCS 5/1A-0.01 new)

23 Sec. 1A-0.01. Former State Board of Education and State  
24 Superintendent of Education.

25 (a) On the effective date of this amendatory Act of the  
26 93rd General Assembly, all powers and duties of the State Board  
27 of Education shall be transferred to the Department of  
28 Education and all powers and duties of the State Superintendent  
29 of Education shall be transferred to the Secretary of  
30 Education.

31 (b) References in this Code or any other law to the State  
32 Board of Education shall be deemed to refer to the Department  
33 of Education. References in this Code or any other law to the

1 State Superintendent of Education shall be deemed to refer to  
2 the Secretary of Education.

3 (c) All rules, standards, and procedures adopted by the  
4 State Board of Education shall continue in effect as the rules,  
5 standards, and procedures of the Department of Education, until  
6 they are modified or abolished by the Department. All rules,  
7 standards, and procedures adopted by the State Superintendent  
8 of Education shall continue in effect as the rules, standards,  
9 and procedures of the Secretary of Education, until they are  
10 modified or abolished by the Secretary.

11 (d) All books, records, funds, and other property of any  
12 kind or nature belonging or in any way appertaining to the  
13 State Board of Education shall be transferred and paid over to  
14 the Department of Education. All books, records, funds, and  
15 other property of any kind or nature belonging or in any way  
16 appertaining to the State Superintendent of Education shall be  
17 transferred and paid over to the Secretary of Education.

18 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

19 Sec. 1A-4. Powers and duties of the Board.

20 A. (Blank). ~~Upon the appointment of new Board members as~~  
21 ~~provided in subsection (b) of Section 1A-1 and every 2 years~~  
22 ~~thereafter, the chairperson of the Board shall be selected by~~  
23 ~~the Governor, with the advice and consent of the Senate, from~~  
24 ~~the membership of the Board to serve as chairperson for 2~~  
25 ~~years.~~

26 B. (Blank). ~~The Board shall determine the qualifications of~~  
27 ~~and appoint a chief education officer to be known as the State~~  
28 ~~Superintendent of Education who shall serve at the pleasure of~~  
29 ~~the Board and pursuant to a performance based contract linked~~  
30 ~~to statewide student performance and academic improvement~~  
31 ~~within Illinois schools. No performance based contract issued~~  
32 ~~for the employment of the State Superintendent of Education~~  
33 ~~shall be for a term longer than 3 years and no contract shall~~  
34 ~~be extended or renewed prior to its scheduled expiration unless~~  
35 ~~the performance and improvement goals contained in the contract~~

1 ~~have been met. The State Superintendent of Education shall not~~  
2 ~~serve as a member of the State Board of Education. The Board~~  
3 ~~shall set the compensation of the State Superintendent of~~  
4 ~~Education who shall serve as the Board's chief executive~~  
5 ~~officer. The Board shall also establish the duties, powers and~~  
6 ~~responsibilities of the State Superintendent, which shall be~~  
7 ~~included in the State Superintendent's performance based~~  
8 ~~contract along with the goals and indicators of student~~  
9 ~~performance and academic improvement used to measure the~~  
10 ~~performance and effectiveness of the State Superintendent. The~~  
11 ~~State Board of Education may delegate to the State~~  
12 ~~Superintendent of Education the authority to act on the Board's~~  
13 ~~behalf, provided such delegation is made pursuant to adopted~~  
14 ~~board policy or the powers delegated are ministerial in nature.~~  
15 ~~The State Board may not delegate authority under this Section~~  
16 ~~to the State Superintendent to (1) nonrecognize school~~  
17 ~~districts, (2) withhold State payments as a penalty, or (3)~~  
18 ~~make final decisions under the contested case provisions of the~~  
19 ~~Illinois Administrative Procedure Act unless otherwise~~  
20 ~~provided by law.~~

21 C. The powers and duties of the State Board of Education  
22 shall encompass all duties delegated to the Office of  
23 Superintendent of Public Instruction on January 12, 1975,  
24 except as the law providing for such powers and duties is  
25 thereafter amended, and such other powers and duties as the  
26 General Assembly shall designate. The Board shall be  
27 responsible for the educational policies and guidelines for  
28 public schools, pre-school through grade 12 and Vocational  
29 Education in the State of Illinois. The Board shall analyze the  
30 present and future aims, needs, and requirements of education  
31 in the State of Illinois and recommend to the General Assembly  
32 the powers which should be exercised by the Board. The Board  
33 shall recommend the passage and the legislation necessary to  
34 determine the appropriate relationship between the Board and  
35 local boards of education and the various State agencies and  
36 shall recommend desirable modifications in the laws which

1 affect schools.

2 D. Two members of the Board shall be appointed by the  
3 chairperson to serve on a standing joint Education Committee, 2  
4 others shall be appointed from the Board of Higher Education, 2  
5 others shall be appointed by the chairperson of the Illinois  
6 Community College Board, and 2 others shall be appointed by the  
7 chairperson of the Human Resource Investment Council. The  
8 Committee shall be responsible for making recommendations  
9 concerning the submission of any workforce development plan or  
10 workforce training program required by federal law or under any  
11 block grant authority. The Committee will be responsible for  
12 developing policy on matters of mutual concern to elementary,  
13 secondary and higher education such as Occupational and Career  
14 Education, Teacher Preparation and Certification, Educational  
15 Finance, Articulation between Elementary, Secondary and Higher  
16 Education and Research and Planning. The joint Education  
17 Committee shall meet at least quarterly and submit an annual  
18 report of its findings, conclusions, and recommendations to the  
19 State Board of Education, the Board of Higher Education, the  
20 Illinois Community College Board, the Human Resource  
21 Investment Council, the Governor, and the General Assembly. All  
22 meetings of this Committee shall be official meetings for  
23 reimbursement under this Act.

24 ~~E. Five members of the Board shall constitute a quorum. A~~  
25 ~~majority vote of the members appointed, confirmed and serving~~  
26 ~~on the Board is required to approve any action.~~ The Board shall  
27 prepare and submit to the General Assembly and the Governor on  
28 or before January 14, 1976 and annually thereafter a report or  
29 reports of its findings and recommendations. Such annual report  
30 shall contain a separate section which provides a critique and  
31 analysis of the status of education in Illinois and which  
32 identifies its specific problems and recommends express  
33 solutions therefor. Such annual report also shall contain the  
34 following information for the preceding year ending on June 30:  
35 each act or omission of a school district of which the State  
36 Board of Education has knowledge as a consequence of scheduled,

1 approved visits and which constituted a failure by the district  
2 to comply with applicable State or federal laws or regulations  
3 relating to public education, the name of such district, the  
4 date or dates on which the State Board of Education notified  
5 the school district of such act or omission, and what action,  
6 if any, the school district took with respect thereto after  
7 being notified thereof by the State Board of Education. The  
8 report shall also include the statewide high school dropout  
9 rate by grade level, sex and race and the annual student  
10 dropout rate of and the number of students who graduate from,  
11 transfer from or otherwise leave bilingual programs. The  
12 Auditor General shall annually perform a compliance audit of  
13 the State Board of Education's performance of the reporting  
14 duty imposed by this amendatory Act of 1986. A regular system  
15 of communication with other directly related State agencies  
16 shall be implemented.

17 The requirement for reporting to the General Assembly shall  
18 be satisfied by filing copies of the report with the Speaker,  
19 the Minority Leader and the Clerk of the House of  
20 Representatives and the President, the Minority Leader and the  
21 Secretary of the Senate and the Legislative Council, as  
22 required by Section 3.1 of the General Assembly Organization  
23 Act, and filing such additional copies with the State  
24 Government Report Distribution Center for the General Assembly  
25 as is required under paragraph (t) of Section 7 of the State  
26 Library Act.

27 (Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96;  
28 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)

29 (105 ILCS 5/1A-1 rep.)

30 (105 ILCS 5/1A-2 rep.)

31 (105 ILCS 5/1A-2.1 rep.)

32 Section 15. The School Code is amended by repealing  
33 Sections 1A-1, 1A-2, and 1A-2.1.